

REMARKS/ARGUMENTS

The claims are 2-5 and 7-9. Claims 1 and 6 have been canceled in favor of new claim 7. Accordingly, claims 2 and 4-5 have been amended to depend on new claim 7. These claims have also been amended to improve their form, and new claims 8 and 9 have been added to recite subject matter previously recited in claims 1 and 3, respectively. Reconsideration is expressly requested.

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for the reasons set forth on pages 2-3 of the Office Action. In response, Applicant has canceled claims 1 and 6 in favor of new claim 7, has amended claims 2-5 and has added new claims 8-9 directed to recitations previously appearing in claims 1 and 3, respectively. It is respectfully submitted that the currently pending claims fully comply with 35 U.S.C. § 112, second paragraph, and Applicant respectfully requests that the rejection on that basis be withdrawn.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by *U.S. Patent No. 4,088,044 to DiMaio et al.* In response, Applicant has canceled claims 1 and 6 in favor of new claim 7 and has amended claims 2 and 4-5 so that all dependent claims depend directly or indirectly on claim 7. New claim 7 combines the subject matter of claims 1 and 6, which, it is respectfully submitted, obviates the rejection over *DiMaio et al.*

Claims 1 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 99/26506 (U.S. Patent No. 6,450,931 to Frey).

This rejection is respectfully traversed.

As set forth in new claim 7, Applicant's invention provides a holding device for an article to be processed. The holding device includes an actuating lever, a means for removably pressing at least a part of the article to be processed against a processing head connectable with the holding device, a first hand grip for one hand of the operator and a second hand grip for another hand of the operator. The means for removably pressing at least a part of the article being processed against the processing head is removable from a contact position via the actuating lever, and the processing head is part of a device for the removal or setting of eyelets and for punching holes in the article or tarpaulin provided with or to be provided with eyelets. In this way, Applicant's invention as set forth in claim 7 provides a holding device for a device for removing eyelets which permits the article to be processed to be held while being processed, thus reducing processing time and improving the accuracy of the removal process. Because the holding device is operated with two hands, its weight is easier to accommodate over an extended period of time. In addition, the device can be opened via the actuating lever, which as more

specifically recited in new claim 8, is located near one of the hand grips.

In contrast to Applicant's holding device as recited in claim 7, the *Frey* patent describes a device for removal or setting of eyelets or the punching of holes itself, rather than a holding device of such a device. In addition, there is no disclosure in *Frey* of an actuating lever for removing a holding device from a contact position in addition to two hand grips for an operator. Rather, the actuating members 20 are for the device for removing eyelets in *Frey* and are shown arranged on both hand grips 19 for the device.

Accordingly, it is respectfully submitted that *Frey* fails to anticipate claim 7 or dependent claims 2-5 and 8-9 dependent thereon.

In summary, claims 2-5 have been amended, claims 7-9 have been added, and claims 1 and 6 have been canceled. In view of

the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
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I hereby certify that this correspondence is being sent by facsimile-transmission to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 4, 2005.

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